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The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General

Summary

The present report describes the ongoing implementation of the Bonn Agreement by the Afghan Transitional Administration, supported by the United Nations Assistance Mission to Afghanistan (UNAMA). The report emphasizes the importance of tangible progress in reconstruction efforts and calls for sustained international commitment to Afghanistan.

The report notes progress made on the consolidation of government authority by the Afghan Transitional Administration, in particular through the adoption of a national development budget, the successful completion of a currency reform operation, and the ongoing implementation of national programmes to provide clear, tangible economic benefits to the Afghan population.

The report also describes key political processes to further the transition towards a multi-ethnic, gender-sensitive, and fully representative Afghan Government. These include the Afghan-led constitutional process, by which a draft constitution is to be prepared by March 2003, public consultations are to be held in April and May 2003, and a Constitutional Loya Jirga is to be held in October 2003. Another key process is the preparation of national elections to be held in June 2004. The Electoral Assistance Division of the Department of Political Affairs of the Secretariat is currently working with UNAMA to define the modalities for assistance, as per a request to the Secretary-General from President Hamid Karzai.

According to the report, security remains the most serious challenge facing the peace process in Afghanistan. Re-establishment of the rule of law, elimination of human rights abuses, reconstruction and political transformation are all impeded by the uncertain security situation. The report notes, however, some progress in security sector reform, namely, the rebuilding of a national army and police, the rehabilitation of the justice sector, the implementation of a disarmament, demobilization and

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reintegration programme and the curbing of the production and trafficking of illegal narcotics. Despite ongoing security concerns, the report notes progress made in the fields of human rights and gender issues as well.

Relief, recovery and reconstruction are also addressed, with a focus on the generally successful winter response programme, challenges posed by the return of refugees and internally displaced persons, as well as successful immunization and education programmes.

As the submission of the report coincides with the proposed renewal of the UNAMA mandate, the report contains proposed adjustments of the UNAMA structure. The most important of these concern small additions to the military and police adviser's units, and the establishment of an electoral section headed by a senior expert and supported by an appropriately sized team.

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1401 (2002) of 28 March 2002, and General Assembly resolutions 57/113 A and B of 6 December 2002. It covers the period since the previous report, dated 21 October 2002 (A/57/487-S/2002/1173). During this period, the Security Council also received monthly briefings on the situation in Afghanistan (see S/PV.4638, S/PV.4664, S/PV.4699 and S/PV.4711).

II. Implementation of the Bonn Agreement

A. Consolidation of government authority

2. During the reporting period, the Afghan Transitional Administration continued to build its authority throughout the country and to implement national policies. A key policy instrument has been the current fiscal year (2003) national budget. The budget sets out a number of national programmes, which should provide the Government with mechanisms to deliver tangible benefits equitably to citizens across the country. The Government is now paying salaries to civil servants in nearly all provinces, and has plans to increase the flow of funds to provincial governments to cover operational costs. There has been token improvement in the remittance of revenue to the centre, but this remains one of the major challenges facing the central authorities. Building a coherent administrative system that responds to the capital will require, among other things, the continued flow of resources, and close coordination and agreement between all actors at the provincial, national and international levels, regarding their relative roles with respect to the central administration, as well as increased capacity of central State institutions generally.

3. During the period under review, the Government made important advances in the development of its national policy-making systems through the inter-ministerial and cabinet budget-making exercise. Since the budget provides a key instrument to help define policy and frame national priorities, the United Nations Assistance Mission to Afghanistan (UNAMA) and United Nations agencies have agreed to prioritize still further their programmes and projects within the budget process, building upon the consultative process undertaken with the government in defining the Transitional Assistance Programme for Afghanistan (see A/57/487-S/2002/1173, para. 37), which was launched at Oslo in December 2002. New trust funds and other mechanisms may be developed to channel multilateral funding in support of the State-building process.

4. As part of the national development budget process, ministries have prepared their respective sector budget proposals in conjunction with the newly formed consultative groups. The proposals were the subject of intensive cabinet review in early March 2003. The Government then presented its operating budget and the national development budget at the Afghanistan Development Forum held at Kabul on 13 and 14 March and at the Afghanistan High-Level Strategic Forum at Brussels on 17 March.

5. The Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions (the Bonn Agreement, see

S/2001/1154, annex) calls for a national population census, which will serve as an important basis for a multitude of development and governance activities. Preparations for the census are now well under way under the leadership of the National Statistics Office, supported by the United Nations Population Fund (UNFPA). The first phase, involving surveys of household and village facilities, has begun in Kunduz and will be progressively extended to other provinces. The aim is to complete the first phase by the end of the year.

6. In early January 2003, the Government of Afghanistan completed its currency exchange operations, which began in October 2002 (see A/57/487-S/2002/1173, para. 7). The Government deserves credit for the success of this ambitious undertaking, as the new currency is providing an important basis for improving economic stability and implementing financial and economic reforms.

7. One area in which it is hoped that progress will be made is in the restoration of the administrative system governing civil service practice. Contrary to initial assumptions, the unitary system of administration established under the 1964 Constitution has survived years of turmoil and remains, to an extent, respected by civil servants across the country.

8. The consolidation of the Afghan peace process will require progress in reconstruction. The economic benefits of peace must become a real part of Afghans' lives. The Afghanistan Reconstruction Trust Fund, which funds government budgetary shortfalls and development activities, received $212 million in the fiscal year ending in March 2003. The value of approved projects is approximately $200 million. The Government has encouraged donors to support social sector programmes through the Trust Fund mechanism, and other similar trust fund mechanisms which are in the process of being established.

9. Three key nationwide programmes should provide clear and tangible benefits to Afghans at the local level: (a) the National Emergency Employment Programme, financed by the Afghanistan Reconstruction Trust Fund; (b) the National Solidarity Programme, financed by the World Bank; and (c) the National Area Based Programme, supported by the United Nations Development Programme (UNDP). The National Emergency Employment Programme is designed to provide labour-intensive employment to vulnerable groups across the country. The Ministry of Rural Rehabilitation and Development, along with the United Nations Office for Project Services (UNOPS) as its managing agent, is using non-governmental organizations to implement projects in 16 provinces, with work already begun in 8 provinces. The Ministry of Public Works is also working with UNOPS to oversee contracts for road repairs with small private sector firms. Following the urban model of the UNDP Recovery and Employment Afghanistan Programme, this component is expected to create more than 2.5 million person-days of paid labour and will be almost fully disbursed over the next six months.

10. The National Solidarity Programme, also led by the Ministry of Rural Rehabilitation and Development, will facilitate community planning and transfer grants to the local level for village infrastructure and other investments across the country (approximately $20,000 per village per year). The goal is to reach from 3,000 to 5,000 communities in 2003/04, and another 5,000 to 6,000 communities in 2004/05 (this is nearly half the number of communities in the country). The Ministry's National Area Based Programme aims at strengthening capacity at the

provincial and district levels, in support of the other two programmes, while simultaneously delivering assistance through pilot programmes in vulnerable areas.

11. The military coalition led by the United States of America has deployed provincial reconstruction teams to Kunduz, Gardez and Bamyan, and has indicated its intention to deploy additional teams to Mazar-i-Sharif, Herat, Jalalabad and Kandahar. According to the coalition, the teams will support reconstruction activities and help extend central government authority in the provinces. The teams might in the future provide a basis for monitoring and supporting security sector reform in the provinces. It is hoped that the presence of the teams will, as a secondary effect, enhance local security in their areas of operation.

12. The Minister of Interior chairs a government coordination committee on the deployments of the provincial reconstruction teams, and UNAMA is assisting in facilitating clear lines of communication between the teams and the United Nations and the non-governmental organization assistance community, in part to allay concerns regarding potential confusion between the roles of military and civilian actors. It is the view of UNAMA that these concerns might be mitigated if the teams maintain a clear distinction between their programmes and those of the humanitarian and development actors by directing their assistance to different needs, such as roads, power generation and reconstruction of local government buildings and customs posts.

B. Political developments

Constitutional process

13. The Bonn Agreement calls for the drafting and endorsement of a new Afghan constitution by the end of 2003. This process, if successfully concluded, will help provide the political basis to cement the peace process. The Drafting Committee of the constitutional commission (see A/57/487-S/2002/1173, para. 28) was formally inaugurated by the former King, Zaher Shah, on 3 November 2002, and it has since almost completed a preliminary draft of the constitution. The nine-member committee includes two women judges and legal scholars and jurists drawn from across the major ethnic groups and regions.

14. A larger constitutional commission of some 30 members is to be appointed and will begin meetings in March 2003. President Hamid Karzai is expected to issue a decree on the process of the development of the constitution and the role of the constitutional commission. In April and May public consultations will be held across Afghanistan to gather views from a broad cross-section of the population. Drawing on these consultations, the commission will produce a final draft over the summer, which will be submitted for adoption by a Constitutional Loya Jirga in October. UNAMA will require the expertise of one constitutional specialist to support its work in this complex endeavour. International experts on constitutional processes and law are also being made available by donors for varying stages of the process. It should be stressed, however, that the constitutional process will remain Afghan-led.

Electoral process

15. Another key component of the Bonn process is the holding of elections by June 2004. This task is complicated by the absence in Afghanistan of electoral institutions; there is neither a national electoral body nor an electoral registration system, and there are no laws regulating the conduct of elections or the functioning of political parties. On 15 February 2003, President Karzai sent a letter to me requesting that "UNAMA be entrusted with the mission to help prepare and organize the electoral process and to coordinate international electoral assistance". I have replied positively, and to that end, UNAMA will work with the Electoral Assistance Division of the Department of Political Affairs, to define the appropriate modalities for electoral assistance.

16. For the timetable outlined in the Bonn Agreement to be achieved, the Government must urgently appoint a national electoral body to oversee the organization of the elections. UNAMA, through a team of experienced advisers, would support this electoral body and help build its capacity to register voters, undertake civic education and conduct the elections in accordance with the Bonn Agreement. The UNAMA electoral team would also coordinate international assistance to, and carry out liaison with, the national electoral body.

17. Since the draft constitution is scheduled to be completed in late 2003, it may not be possible to base the legal framework for the elections on the new constitution and still have enough time to conduct elections by June 2004. Therefore specific and limited electoral and political parties' laws may have to be promulgated for the purposes of the 2004 elections only. Laws for subsequent elections would draw upon the new constitution.

18. Operations involving voter identification and civic education are complex and costly. The Electoral Assistance Division and UNAMA are in the process of finalizing an initial budget estimate of the requirements for 2003. The 2004 elections would be an important step in the implementation of the Bonn process. The organization and implementation of the elections will be a formidable challenge, made even more difficult by the fragile security situation and by the risk, inherent in elections anywhere, that competition between candidates increases tensions and divisions within societies.

International relations

19. On 22 December 2002, the Governments of Afghanistan and the six neighbouring States signed the Kabul Declaration on Good Neighbourly Relations (see S/2002/1416, annex). The signatories reaffirmed their commitment to constructive and supportive bilateral relationships based on the principles of territorial integrity, mutual respect, and non-interference in each others affairs. The seven States also expressed their determination to defeat terrorism, extremism and drug trafficking. The Security Council immediately welcomed and supported the initiative in its resolution 1453 (2002) of 24 December 2002. Since the signing of the Declaration, Afghan officials have undertaken visits to neighbouring capitals to discuss cooperation on a range of issues, including diplomatic and economic relations and refugees. President Karzai has visited each of these capitals at least once.

C. Security issues

Overall security situation

20. Security remains the most serious challenge facing the peace process in Afghanistan. Security must be improved to allow the re-establishment of the rule of law, ensure the protection of human rights, promote the reconstruction effort and facilitate the success of the complex political processes, including the development of the new constitution and the holding of free and fair elections. Afghans in many parts of the country remain unprotected by legitimate State security structures. Criminal activity by armed groups has of late been particularly evident in the north, east and south, and in many areas confrontation between local commanders continues to contribute to instability.

21. During the reporting period, rivalries between factional leaders worsened in the west when the forces of Herat's Governor, Ismael Khan, clashed with those of a local commander, Amanullah Khan, in Shindand in late 2002. In January 2003, fighting broke out in the province of Badghis between forces loyal to Ismael Khan and the local Governor, Gul Mohammad.

22. In Kandahar, rivalries over local power and tribal dominance came to a head when forces belonging to the Governor, Gul Agha, from the Barakzay tribe, tried to disarm police under the command of General Akram, from the Alokozai tribe. The dispute over responsibility for law and order in the city was resolved after the intervention of tribal leaders.

23. Sporadic acts of terror continue to occur all too frequently. The worst of these in recent months was on 31 January, when a bus drove over an improvised mine near Kandahar, killing 12 passengers. In late December 2002, in Kabul, an explosive device was thrown into a car carrying two United States plain-clothed soldiers and their interpreter, injuring them. In a separate incident, also in Kabul, two Afghans were killed and two foreign aid workers were injured when a grenade was thrown into a crowd of people outside an International Security Assistance Force (ISAF) base. An ISAF national interpreter was killed on 7 March while on patrol, when an improvised, remote-controlled explosive device detonated as his vehicle passed.

24. Reports from several sources in the first months of 2003 point to increased activity by elements hostile to the Government and to the international community in Afghanistan. There were signs that remnant Taliban groups and factions loyal to Gulbuddin Hikmatyar were trying to reorganize in the south-eastern and eastern border areas. There has also been an increase in the number of attacks against the personnel and assets of international and non-governmental organizations, particularly in the border provinces of Nangahar, Khost, Kunar, Paktya, Paktika, Kandahar and Helmand. In December 2002, two grenades were thrown into the compound of the Gardez office of UNAMA, and in February 2003 an explosive device detonated outside the office in Kandahar of the Office of the United Nations High Commissioner for Refugees (UNHCR) and another was thrown into the office compound of the International Organization of Migration (IOM) in Kunduz. Over the reporting period there has also been a series of unexplained explosions in Jalalabad that resulted in no casualties. Attacks against coalition forces continued to occur, resulting in numerous injuries and one fatality.

25. UNAMA and United Nations agencies are taking precautionary measures to ensure the security of staff, such as limiting non-essential movements around the country. Although travel or activities have been suspended for two or three days in specific cases and places, security has not yet deteriorated to a level that would require a cessation of local operations. Security assessments will be made on an area-by-area basis, and should operations in any one area have to be curtailed, those in other areas of Afghanistan should not necessarily be affected.

Security sector reform

26. The lack of security can only be resolved, ultimately, by loyal, unified, government forces that are able to maintain the peace and provide for law and order within an accountable legal framework. Improving security in Afghanistan will therefore require coordinated progress on a number of interrelated fronts: building the national army, police and border guard; disarmament, demobilization and reintegration of existing factional forces; reform of the justice sector; and meeting the rising threat posed by the cultivation and trafficking of drugs. The Ministries of Defence and Interior, as well as the large and intrusive internal intelligence structures, must be reformed so that they are perceived across Afghanistan as truly national in character. The Afghan leadership is working with the security sector "lead nations" to define policy approaches, garner financial and technical support, and implement programmes. In my previous report (A/57/487-S/2002/1173, paras. 11-17), I outlined a number of steps to reform State security structures. Some of these have since been achieved.

27. On 1 December 2002, President Karzai signed a decree that provides the basis for the new Afghan National Army (ANA), the disarmament, demobilization and reintegration of all factional forces and the reform of the Ministry of Defence. On 12 January 2003, the Defence Commission began implementing the decree by creating four commissions to coordinate the related processes of disarmament, demobilization and reintegration and the building of the national army: a demobilization and reintegration commission to assist combatants who wish to leave existing military formations and enter civilian life; a disarmament commission to draw down weapons held by groups outside the national army; and two commissions (on the recruitment of officers and soldiers, respectively) to ensure selection of army personnel on the basis of merit, ethnic balance and regional representation.

28. Also in accordance with the 1 December decree, an advisory committee was created on 18 February 2003, bringing together key Afghan ministers for security sector reform, representatives of the lead nations and UNAMA to promote the ANA and disarmament, demobilization and reintegration processes. A step towards the reform of the Ministry of Defence was taken on 20 February when 15 positions, including that of a deputy minister, were created or changed to create a better ethnic balance among the senior personnel. This effort should be continued to assure the country that ANA itself will be a truly national army, implementing defence policies that respond to national, not factional, imperatives.

Afghan National Army

29. The reorganization and training of ANA troops by the United States and France continues at the Kabul Military Training Centre. Six ANA battalions have so far been created with newly trained troops. Activation of the first two brigade

headquarters of the Central Corps of ANA is expected shortly. Some ANA units have been deployed on limited operations outside Kabul where they have conducted patrols and supported local disarmament efforts. These deployments, which have been generally well received by local populations, have demonstrated that the new army is developing as a professional and disciplined force.

Disarmament, demobilization and reintegration of ex-combatants

30. The creation of an effective national army and police depends on the successful disarmament, demobilization and reintegration into civilian life of members of non-official military formations. On 22 February, the Government of Japan, as lead nation for disarmament, demobilization and reintegration, hosted a conference at Tokyo to mobilize international support for the process. Contributions and pledges totalling $50.7 million were made. Japan pledged $35 million to UNDP for disarmament, demobilization and reintegration, plus some contributions in kind. At the conference, President Karzai stressed that disarmament, demobilization and reintegration should be impartial, that the programme would be implemented through a phased approach, and that it should be completed within one year. On the ground, the programme will be implemented through the UNAMA/UNDP Afghanistan's New Beginnings Programme, which will provide assistance and support for the reintegration of forces not destined for army or police training.

Police and prisons

31. As local militias are dismantled, a reformed national police force will have to provide the foundation of law and order in Afghanistan. The Minister of Interior, Ali Ahmad Jalali, appointed on 28 January 2003, has displayed a promising readiness to reform the police. Discussions are under way on the reorganization of the Ministry, and efforts are being intensified to establish the Border Police, formerly under the Ministry of Defence, as a distinct entity under the Ministry of Interior. Discussions are also under way among international partners to identify a lead nation to help the Afghan authorities build up the Border Police.

32. The German-led police training programme is proceeding well. A new group of 500-600 trainee officers have been recruited and their training will begin in March 2003. The United States is also prepared to supplement Germany's efforts with a programme to provide basic training for thousands of police officers over the coming months. The Interior Minister is working on a draft presidential decree that would set out the course of police reform, much as the 1 December decree did for the army.

33. The Government has taken important steps to ensure the accountability of its police force. President Karzai established an independent commission to investigate the violent police response to student demonstrations at Kabul University in November 2002. It concluded that the police had been responsible for the use of excessive force, and that the miserable living conditions at the students dormitory, which had apparently triggered the demonstrations, were partly the result of corruption. Several government officials, including some at senior levels, were consequently arrested. A special human rights department was also created in the Ministry of Interior. It is expected that the Afghan Independent Human Rights Commission and UNAMA will cooperate through this department to implement a programme of human rights education for the police.

34. Authority over prisons will be transferred from the Ministry of Interior to the Ministry of Justice. There is at present no general prison in the capital, and all the prisoners regardless of their status are held in the Kabul detention centre, an overcrowded and dilapidated facility adjacent to the Kabul police headquarters. The Afghan prison authorities have started reconstruction of the Pul-i-Charkhi prison outside Kabul, but sufficient funds for this reconstruction and the rehabilitation of the prisons sector have not been provided.

Counter narcotics

35. Poppy cultivation and the production and trafficking in drugs remain major national and international concerns. Afghanistan, once again, is expected to be the largest producer of opium in 2003. Crop eradication, based on a presidential decree, is reportedly ongoing in many parts of the country, though verification remains problematic. A project supported by the Office on Drugs and Crime will help the Government improve its verification capacity. The success of the eradication campaign will depend upon credible police enforcement and the availability of alternative sources of livelihoods to farmers. The United Kingdom of Great Britain and Northern Ireland, as lead nation in this sector, is working closely with a core group of government ministries, donors and the United Nations to integrate provincial anti-drug activities and identify quick-impact and medium-term alternative livelihood programmes and infrastructure projects. The Islamic Republic of Iran and the United States have provided resources for labour-based public works and infrastructure projects, and multidisciplinary government teams have been dispatched to the provinces to work with local officials to define quick impact projects. The United Kingdom is providing institutional support to the Government.

Handover of the International Security Assistance Force

36. On 10 February, Turkey handed over the leadership of ISAF to Germany and the Netherlands at a ceremony in Kabul attended by President Karzai and the Ministers for Defence of Afghanistan and the three nations. My Special Representative has already established a close relationship with the new command and we look forward to continued, effective leadership and cooperation from the German and the Netherlands headquarters.

D. Judicial sector reform

37. In my previous report, I noted that the membership of the Judicial Commission was being reviewed (A/57/487-S/2002/1173, para. 25). A new 12-member commission was subsequently mandated, by Presidential decree, to lead the effort to reform Afghanistan's judicial sector as called for by the Bonn Agreement. The Commission has been empowered to organize a comprehensive law reform programme, survey the human, technical and logistical needs of the justice sector and develop selection and training programmes for judges, prosecutors and other lawyers.

38. The Commission began work on 28 November 2002 and has completed a detailed national plan for the justice sector based on consultations with relevant actors in the sector. A conference sponsored by the Government of Italy, held in Rome on 19 and 20 December 2002, provided further momentum. The Commission

is preparing for the launch in Kunduz of a pilot survey of the justice sector. The needs of the sector are vast, and the task of rehabilitating it will be immense. The Commission has identified a set of immediate priorities, however, which include rehabilitation of court premises, short training programmes for judges and other law officers, and providing recommendations to the constitutional commission on justice issues pertaining to the new draft constitution. Italy, as the lead nation, and UNAMA are supporting the Commission. Some $30 million has been pledged in Rome for several years. However, at present, only half of the $27.5 million needed for 2003 to implement the national plan is available.

E. Human rights issues

Overall human rights situation

39. The general human rights situation in Afghanistan remains a source of great concern. The lack of adequate national security and law enforcement capacity and the weakness of the justice system exacerbate human rights violations. Abuses are committed in all parts of the country, most often by forces under the control of regional factions or local commanders. Thus, improving the security environment throughout the country remains the most important precondition for protecting and promoting human rights and for developing national and non-governmental Afghan human rights institutions.

Afghan Independent Human Rights Commission

40. The Afghan Independent Human Rights Commission, mandated by the Bonn Agreement, was able to intensify the implementation of its programme with the support of a joint UNAMA/Office of the United Nations High Commissioner for Human Rights (OHCHR)/UNDP project that came into force on 28 October 2002. The Commission conducted a number of seminars and workshops on women's rights, human rights education and transitional justice and carried out joint human rights investigations with UNAMA throughout the country. In addition, the Commission plans to open regional offices in Mazar-i-Sharif, Herat, Kandahar, Bamyan, Jalalabad, Gardez and Fayzabad. UNAMA is assisting the Commission in obtaining the support of local authorities. The Commission has thus far received more than 600 petitions and complaints from individuals and groups across the country. Its investigations have focused on complaints of abuses against witnesses to human rights violations, the situation of Pashtuns in the north, and complaints of the Hazara community from Helmand. Together with the Ministry of Interior and the Attorney General, the Commission is also participating in an investigation of prison conditions throughout the country.

41. An Advisory Group on Human Rights has been established, chaired by the Afghan Independent Human Rights Commission, and composed of representatives of the Afghan Transitional Administration, donor countries, and United Nations entities, to serve as a forum assessing the human rights situation, discussing broader human rights issues, and working on the establishment of human rights benchmarks for the Government's implementation of basic human rights concepts and instruments in its development programmes.

42. The Commission and UNAMA have also initiated a dialogue on human rights issues with representatives of the Governor of Herat, Ismael Khan. In Kunduz,

UNAMA is assisting the Governor in a commission that has been established to resolve land disputes that have led to clashes between the Turkmen and Uzbek communities.

43. In addition to supporting the Commission, UNAMA has conducted its own investigation and monitoring activities. With the assistance of OHCHR, UNAMA sponsored in December 2002 a training workshop for international and local staff on human rights monitoring, investigation techniques and protection issues. The workshop focused on violations related to intimidation of members of political groups or civil society organizations, discrimination against specific ethnic groups, violence against women and the violation of their rights, and intimidation of witnesses to serious human rights violations. This latter issue has been a concern in relation to witnesses with potential information regarding the mass graves in the north (see A/57/487-S/2002/1173, para. 21).

44. In this regard, in December 2002, UNAMA supported the visit of an OHCHR-funded forensics expert to conduct a technical review of the gravesites near Mazar-i-Sharif. UNAMA is discussing the way forward with the Government, the Commission and OHCHR, bearing in mind the ongoing problem of providing adequate security for witnesses.

F. Gender issues

45. Despite enduring years of hardship, the brutality of war, and the continuing widespread denial of their fundamental rights, Afghan women, particularly those in urban areas, are slowly reentering public life as professionals, students and active participants in society. Over 30 per cent of the students who returned to school in 2002 were girls and a third of the teachers were women. Women journalists have been able to return to their jobs as radio and television broadcasters and hundreds of women are working as civil servants and professionals in hospitals, courts, other government and non-governmental organizations, the United Nations and the private sector. The Afghan Independent Human Rights Commission, the Judicial Commission and the Constitutional Commission all include women members who are at the forefront of advancing women's concerns in the areas of human rights, judicial and constitutional reform. UNAMA and all United Nations agencies are working with these Afghan institutions to ensure women's issues are fully addressed. I particularly welcome, in this regard, that on 5 March 2003 Afghanistan deposited the instruments of ratification for the Convention on the Elimination of All Forms of Discrimination against Women.

46. The Ministry of Women's Affairs, with technical support from UNAMA and the United Nations Development Fund for Women, has worked to ensure consideration of gender issues as an integral part of the National Development budget process. The Ministry has also requested United Nations support for the establishment of a gender and policy working group to assist the Ministry to formulate its policy framework for the advancement of women's rights. Efforts have been made to incorporate women's issues into the constitution. The two women members of the Constitution Commission met with representatives of 15 agencies, organizations and donors in December 2002 to discuss procedural and legal concerns pertaining to the protection and promotion of women's rights. This

dialogue will continue, and the next meeting will include members of the other Bonn commissions and civil society.

47. To commemorate the International Day for the Elimination of Violence against Women, the Ministry convened a national workshop focusing on domestic violence. In addition, the legal department of the Ministry has been involved in monitoring the situation of women in prison and, through its advocacy, helped secure the release of 23 female prisoners in Kabul in November.

G. Media development

48. During the past 12 months, the media in Afghanistan has gone from near non-existence to being a very vibrant sector, in spite of the paucity of resources and occasional limitations imposed by State agents. According to the Ministry of Information and Culture there are now over 170 publications in the country. The electronic media is also slowly expanding. The most recent illustration of this trend was the launch on 8 March 2003 of Radio the Voice of Afghan Women, an independent FM radio station in Kabul. Afghanistan television and radio, which a year ago had only three or four functioning stations (from a pre-war total of 18 television and 21 radio stations) now operates 11 TV and 14 radio stations, albeit with many limitations in their programmes, broadcast reach and coordination with Kabul headquarters. Donors, non-governmental organizations, institutions such as the BBC World Service Trust, and United Nations programmes — particularly UNAMA and the United Nations Educational Scientific and Cultural Organization — have been supporting the development of the Afghan media.

III. Relief, recovery and reconstruction

A. Winter response

49. The relief, recovery and reconstruction pillar of UNAMA has been working to mitigate the harsh effects of winter on the most vulnerable in Afghanistan. A Cabinet commission on winter preparedness was established under the leadership of the Ministry of Rural Rehabilitation and Development. This commission worked in close cooperation with a winter task force that brings together Government, United Nations and international agencies, and non-governmental organizations. In addition, sub-national task forces were formed in eight areas around the country and United Nations staff have been seconded to work with provincial authorities. The winter task force helped coordinate efforts to meet the needs of some 2.2 million highly vulnerable Afghans, mainly living in the north and west and in the central highlands. Thanks to generous donor support, this population continues to receive emergency food aid, and assistance for shelter and warmth.

50. Initial communication difficulties were mitigated by the provision of equipment and training to provincial authorities of the Ministry of Rural Rehabilitation and Development. On the whole, non-food needs have been met and some 95 per cent of required food supplies were pre-positioned throughout the country by February 2003. Emergency repairs have kept the Salang tunnel route into the northern region open for much of the winter, thanks to the coordinated efforts of the Ministry of Rural Rehabilitation and Development and non-governmental

organization partners, while the United Nations Joint Logistics Cell and UNOPS have helped to keep other access routes open. Cash-for-work projects have also provided income to over 30,000 families, and labour-based contracts have resulted in the employment of over 2,000 workers, helping inject cash into local economies.

B. Refugees and internally displaced persons

51. There are approximately 480,000 internally displaced persons in Afghanistan, most of them in the south. Families generally feel compelled to move because of discrimination, extortion, taxation, drought conditions, and purely economic motives. Although the internally displaced person situation has stabilized somewhat, families are still moving from the north and other already displaced families continue to move in search of assistance. The return of internally displaced persons to their home communities will depend on an improvement in the drought-affected areas, the resolution of land disputes and political developments in the north.

52. Some positive developments have occurred in the effort to facilitate the return of the mostly Pashtun internally displaced persons who fled tensions and oppression in the north after the fall of the Taliban. On 17 October 2002, the Return Commission for the North was established to prepare for and supervise the return of these internally displaced persons under dignified and safe conditions. The Commission is composed of traditional leaders, local factions, the Ministry of Return and Repatriation, the Afghan Independent Human Rights Commission, UNHCR and UNAMA. The United Nations High Commissioner for Refugees attended a plenary meeting of the Commission on 27 February, at which the findings of a survey to determine obstacles to the return of internally displaced persons was revealed. At the meeting, a set of specific recommendations was adopted to facilitate returns, including disarmament, measures to address land disputes, a campaign against forced recruitment of soldiers, ending taxation by armed groups and the provision of development projects to alleviate conflict over scarce resources.

53. With regard to refugee return, Pakistan, Afghanistan and UNHCR announced their intention to sign, on 17 March, an agreement setting out a three-year framework for the voluntary return of refugees from Pakistan. Discussions continue between the Islamic Republic of Iran, Afghanistan and UNHCR for the renewal of the joint programme for the voluntary return of refugees in the Islamic Republic of Iran. The United Nations will continue to pursue mutually acceptable solutions with the host countries to achieve gradual, voluntary return in keeping with Afghanistan's ability to absorb returnees. To build that capacity, UNHCR and UNDP have signed cooperation agreements bilaterally and together with the Ministry of Rural Rehabilitation and Development to coordinate support and target aid to support the return and reintegration of refugees and internally displaced persons.

C. Health and Nutrition

54. A final round of poliomyelitis immunization was conducted in December 2002 (see A/57/487-S/2002/1173, para. 42). Extra efforts are being made in areas of high refugee return to ensure that returning children are immunized. As of December 2002, the measles campaign had provided 8.8 million children between 6 months and 12 years of age with life-long protection against this disease. The first round of

a three-year tetanus toxoid campaign took place in February 2003, targeting 740,000 women of child-bearing age. These immunization campaigns are notable examples of coordination and planning between the Government, United Nations agencies and non-governmental organizations.

D. Education

55. The Ministry of Education used the three-month winter school break to provide intensive training for teachers. Some 18,000 primary school teachers in 29 of the 32 provinces are being trained in language and mine-risk education, and 30,000 teachers in Kabul are being trained in general teaching methodologies. Accelerated learning courses were provided to 18,000 over-aged girls at primary schools in Kabul during the winter months. Under the leadership of the Ministry of Education, preparations are currently under way for the new school year beginning on 22 March 2003. Procurement and distribution of school supplies for 4.5 million schoolchildren and 80,000 teachers is under way.

IV. Mission support

56. The lead responsibility for UNAMA shifted smoothly from the Department of Political Affairs to the Department of Peacekeeping Operations on 1 November 2002. The Mission has completed the task of assimilating the personnel and equipment of the United Nations Special Mission to Afghanistan (UNSMA) and the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan (UNOCHA). UNAMA has completed a physical inspection of the equipment transferred from UNOCHA and is preparing a plan for its distribution.

57. To assist in the mandated goal of integration, UNAMA has entered into a lease for an 18-hectare site on the outskirts of Kabul that will be used for the United Nations Operations Centre in Afghanistan, supporting logistics, administration and other functions for United Nations offices that co-locate there. UNAMA administrative offices will move into the complex by 31 March 2003. Other United Nations entities that have committed to relocating in part or whole to the United Nations Operations Centre in Afghanistan are UNOPS, the Mine Action Centre for Afghanistan, and the United Nations Children's Fund, UNDP, UNFPA, the World Food Programme and IOM are currently considering the matter. The United Nations Operations Centre in Afghanistan will enhance staff security and allow substantial savings in rentals, with joint facilities to be established providing for security, conference and training venues, medical and cafeteria services, water distribution and vehicle maintenance services.

58. One of the Mission's key objectives is to minimize the size of the international staff presence while building national staff capacity. UNAMA is continuing to identify international posts to be replaced and augmented with National Officer posts. UNAMA is also preparing a broad range of staff training programmes to facilitate this process.

59. Infrastructure in Afghanistan remains basic, and support of voter registration, civic education programmes and the conduct of the election itself will be a significant challenge requiring substantial resources. UNAMA is working to define,

in consultation with the Electoral Assistance Division and the Department of Peacekeeping Operations in New York, the additional personnel, equipment, material and financial resources that will be required.

V. Mandate and structure of the United Nations Assistance Mission in Afghanistan

A. Mandate

60. The mandate of UNAMA under Security Council resolution 1401 (2002) will expire on 28 March. Should the Council decide to extend the UNAMA mandate, I propose to maintain the mandate currently provided for under resolution 1401 (2002), as described under paragraph 97 of my report of 18 March 2002 (A/56/875-S/2002/278).

B. Overall structure of the United Nations Assistance Mission in Afghanistan

61. I propose to maintain the structure of UNAMA as described in my report of 18 March 2002, comprising an Office of the Special Representative of the Secretary-General, a pillar for political affairs, a pillar for relief, recovery and reconstruction and a mission support component. In the light of the experience of its first year of operations, and new demands that would be expected of it in the forthcoming year, I would propose to adjust the structure in a few key areas, as outlined below.

C. Office of the Special Representative of the Secretary-General

62. The tasks and structure of the Office of the Special Representative would remain as described in my report of 18 March 2002, except for a small increase in the military and civilian police advisory units. Given the increasing complexity and importance of security sector reform, I propose that the Military Advisory Unit be enlarged to a total of eight officers. This would allow the Unit broader national coverage. The functions of the Unit will remain unchanged, i.e., to provide advice to the Special Representative and senior UNAMA staff and to carry out military liaison with numerous Afghan Central Government and regional military authorities, the United States-led Coalition and ISAF.

63. Similarly, the importance of police reform to the overall security situation in Afghanistan has merited a review of the civilian police advisory function. UNAMA conducted a comprehensive review in February 2002 of how United Nations civilian police might support ongoing reform in the police sector. Based on this review, I believe that United Nations police advisers could, in close cooperation with the German police training project group, provide increased advice to the Special Representative as well as to the Government of Afghanistan on police reform in Kabul and in the provinces. I would therefore recommend an expansion of the civilian police advisory unit to a total number of eight police advisers.

64. Reform of the corrections system is also a key part of building the rule of law in Afghanistan. In 2002, a corrections officer seconded from the Government of

Finland has assisted my Special Representative in assessing the government needs of the correction system in Afghanistan. This advisory function has played an important role in the under-supported corrections sector. I therefore recommend the addition to UNAMA of one Corrections Adviser attached to the Office of the Special Representative.

65. In order to enhance the integration of United Nations efforts and policy coordination on the cross-cutting issues of disarmament, demobilization and reintegration and drugs control, I wish to advise Member States that the senior UNDP expert on disarmament, demobilization and reintegration has also been designated as the Special Representative's Senior Adviser on disarmament, demobilization and reintegration, and the Country Representative of the Office on Drugs and Crime has likewise been designated Senior Adviser to the Special Representative on drugs control. As these functions are funded outside the UNAMA budget, this integration exercise will not entail any additional UNAMA resources.

D. Pillar I: political affairs

66. Pillar I would continue to be headed by a Deputy Special Representative for Political Affairs, with the tasks and structure described in my report of 18 March 2002 (paras. 104 and 105), with the exception of tasks related to the holding of the Emergency Loya Jirga, which have been completed. The implementation of the Bonn Agreement and the overall peace process will require Pillar I to carry out a number of tasks not explicitly mentioned in my 18 March 2002 report, but that are nonetheless fully in keeping with the established mandate. These tasks are:

(a) Providing political and policy advice to the Special Representative on security sector reform, coordinating security sector reform activities undertaken by UNAMA and United Nations agencies, and carrying out liaison with the Government of Afghanistan and local and international actors on security sector reform;

(b) Providing advice and assistance to the Constitutional Commission, coordinating international assistance to the Commission, providing advice and coordinating assistance to the Constitutional Loya Jirga. As mentioned in paragraph 14 above, this will require the addition of at least one constitutional specialist;

(c) Providing support and assistance to the Government in the preparation for national elections, including the registration of voters and coordination of international assistance. As mentioned in paragraph 16 above, this task will require the establishment of an electoral section headed by an internationally recognized senior expert supported by an appropriate team in Kabul and in the provinces.

E. Pillar II: relief, recovery and reconstruction

67. Under the Deputy Special Representative for Relief, Recovery and Reconstruction, Pillar II would continue to fulfil the tasks elaborated in my 18 March 2002 report. Pillar II's work in 2003 would focus on the following key principles:

(a) Assisting in the development of increasingly self-sufficient and accountable national, provincial and local institutions that have the capacity to lead,

coordinate and manage the national reconstruction process and the response to ongoing humanitarian crisis;

(b) Assisting the reconstruction process, led by Afghans, so that it may contribute to increasing peace, security and stability; and facilitating the provision of international assistance so that it contributes to state-building, national reconstruction priorities and to the development of long-term solutions to immediate survival and protection needs, and based on principles grounded in gender-equity and human rights.

68. In line with its existing mandate, and based on the experience of the past year, Pillar II will focus its work on several key areas in the coming period, including:

(a) Ensuring integration of United Nations programme priorities with national priorities;

(b) Ensuring complete transparency with national counterparts through joint programme planning, implementation and reviews;

(c) Ensuring government ownership of information through accelerated support for building government capacity in information management, assessment protocols and procedures and, in the meantime, ensuring the joint conduct of reviews and assessments;

(d) At the central level, accelerating the provision of technical support to government departments;

(e) At the provincial level, supporting government coordination mechanisms to strengthens links between the centre and the provinces;

(f) Examining United Nations operating procedures to identify concrete ways of increasing our efficiency and effectiveness; and

(g) Accelerate the process of "regularizing" inter-agency country programming where possible through development of a common United Nations system/government development framework, thus allowing the consolidated appeal (currently the main transition vehicle) to revert to purely humanitarian requirements.

VI. Observations

69. **The present report coincides with the completion of the Mission's initial mandate of one year. The Afghan Transitional Administration and the international community, along with UNAMA, can draw satisfaction from a number of significant accomplishments. Among other achievements, the timetable of the Bonn Agreement has largely been kept thus far, some 1.5 million refugees and 500,000 internally displaced persons returned to their homes, 3 million Afghan children returned to school, a new currency was launched, the Government developed a comprehensive national budget and no major outbreak of fighting occurred.**

70. **At the same time, Afghanistan's peace process remains fragile. Insecurity and the lack of law and order continues to impact negatively on the lives of Afghans everyday, whittling away at the support for the transitional process. Too many Afghans remain dissatisfied at the pace of reconstruction and economic development, and await their "peace dividend". Furthermore, far too**

many Afghans remain uncertain as to whether the transitional process is truly national, providing political space and equal opportunities to all Afghans regardless of their political or ethnic affiliation. After 23 years of war, the progress made in 2002 has only begun to shore up the fragile foundations of peace, but stability and national reconciliation are by no means firmly consolidated.

71. This goal will require progress on a number of fronts in 2003. Key State institutions must be entrenched, and more control over the continuing problem of security and lawlessness must be achieved. The army and police will be key institutions in this respect, and progress in the overall disarmament, demobilization and reintegration and security sector reform effort (see para. 27 above) will help to promote an improved human rights environment, economic development and the ability of the Government to enhance its authority and legitimacy. I commend the closely coordinated and committed work that the Government and international community have already undertaken in this regard, and I urge the Government of Afghanistan to take the necessary steps to continue to reform its security institutions, and trust that the international community's support for security sector reform will continue to be forthcoming.

72. The constitution-making process set for 2003 is another State-building exercise fundamental to the Bonn process. Success in this endeavour will provide the legal foundations for the institutions of a peaceful democratic Afghanistan. Dialogue and debate on constitutional issues in Afghanistan will touch upon the core of its values and sovereignty. It will therefore be vital that the process of drafting, consultation, debate and decision-making be at all times driven and led by Afghans, who alone can properly gauge and reflect in their constitution the wishes of the people, while ensuring that it supports modern Afghanistan's position within the international community.

73. Specific preparations for elections in June 2004 will also have to be advanced in 2003, as noted in paragraph 17 above. UNAMA and the United Nations system stand ready, subject to Security Council approval, to respond to President Karzai's request for support. There are also welcome expressions of support from some international non-governmental entities with electoral expertise. A well-coordinated programme of assistance will be necessary, which above all must ensure that the Afghan electoral body, yet to be created, is built up in a manner allowing it to take the lead in conducting the elections and becoming a sustainable institution for future elections.

74. As the complex political processes related to the constitution and elections preparations get under way in Afghanistan in 2003, Afghans must be certain that these processes, and the institution-building effort as a whole, serves them equally. At present, there remain clear signs that, despite President Karzai's statesmanlike example of national leadership, elements of the transitional administration continue to be seen by Afghans as serving primarily one Afghan constituency or another. The political process should be broad and open enough so that all Afghans who wish to participate in good faith can do so, lest they be left outside the fold, with a growing incentive to join the ranks of those actively thwarting the peace process. There are already too many "spoilers" who are reportedly intent on undermining the peace process in Afghanistan; they must

be left in no doubt that the authorities in Afghanistan and the international community stand ready to protect and see the peace process through to the end.

75. For many Afghans, some relief in the daily struggle to survive, rather than politics, will be the key test of the peace process. In that respect, the success of the reconstruction effort will be vital since, without it, the patience of the average citizen will run thin and the legitimacy of the Government will become strained. The international community's generous commitment to Afghanistan will need to be maintained, and the major infrastructure and employment projects will need to be steadily implemented, in order to ensure at least the basic levels of reconstruction that are planned. As long as they are able to see some tangible progress in reconstruction, Afghans throughout the country will be encouraged and will progressively assume the responsibility for the reconstruction of their country.

76. Afghanistan will continue to need considerable political and financial engagement from the international community for some time to come. Without this, the progress made thus far might not only slow down, but indeed, be dangerously reversed. A number of Member States have reassured both President Karzai and me that they intend to follow through the commitments they have made, mindful of the perils that might once again arise if Afghanistan were to be neglected. These assurances are indeed welcome, most of all to the Afghans themselves who remain concerned that other tensions in the region will draw the attention and support of the international community away from Afghanistan at this critical time. I urge donors to continue to meet their commitments to Afghanistan and to stay engaged in the peace and reconstruction process over the next year as they have over the past year.

77. I would like to express my gratitude to the Government of Turkey for the professionalism and dedication of its officers and soldiers during the eight months that they held the ISAF lead, and to each of the other 29 Member States that are currently providing personnel to ISAF. I also wish to express my gratitude to the Governments of Germany and the Netherlands for assuming the responsibility for ISAF.

78. Finally, I would like to take this opportunity to thank my Special Representative, Lakhdar Brahimi, and all his staff in UNAMA, for their continued dedication to the peace process in Afghanistan.